UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES OF AMERICA	) **Magistrate's Case No:** 08 MJ 0434
v.	)
	) **COMPLAINT FOR VIOLATION OF:**
Maria ZAZUETA-Perez	)
Jesus GOMEZ-Osorio	) 21 U.S.C. S 952 & 960 - Importation of a Controlled Substance
	) 21 U.S.C. Section 841 – Possession with Intent to Distribute a Controlled Substance

The undersigned complainant being duly sworn states:

COUNT ONE

That on February 13, 2008, within the Southern District of California, defendant Maria ZAZUETA-Perez did knowingly and intentionally import approximately 111.98 pounds/50.90 kilograms of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

COUNT TWO

That on or about February 13, 2008, within the Southern District of California, defendant Jesus GOMEZ-Osorio did knowingly and intentionally possess, with intent to distribute approximately 111.98 pounds/50.90 kilograms of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Section 841.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

M Brown
Signature of Complainant
Special Agent Michael Brown

Sworn to before me and subscribed in my presence this 15 day of 2008.

HONORABLE ANTHONY J. BATTAGLIA
UNITED STATES MAGISTRATE JUDGE

STATEMENT OF FACTS

The following statement of facts is for the limited purpose of establishing probable cause and does not contain all of the information known to federal agents regarding this case or every fact supporting probable cause.

On February 13, 2008, at approximately 1055 hours, Maria ZAZUETA-Perez, the driver of a 1991 Toyota Previa van bearing Baja California/MX license plate number BDZ8338, entered the United States from Mexico through the Port of Entry (POE) located in San Ysidro, California. ZAZUETA-Perez's minor daughter was the sole passenger in the vehicle.

Customs & Border Protection Canine Enforcement Officer (CEO) Stuart Hersey reported that on February 13, 2008, at approximately 1055 hours, while working pre-primary roving operations at the San Ysidro Port of Entry, his assigned narcotic detector dog (NDD) alerted to a blue Toyota Previa van bearing Baja California/MX license plate BDZ8338, in vehicle primary lane #9.

Based on the narcotic detector dog alert to the Toyota Previa and CEO Hersey's observation of bundled packages mostly concealed within one of the quarter panels, ICE Special agents followed ZAZUETA-Perez as she left the San Ysidro Port of Entry and drove to the Wal-Mart parking lot on Palm Avenue and Dennery Road in San Diego, California. ICE Special agents then observed ZAZUETA-Perez exit the Toyota Previa and walk towards the Wal-Mart store.

While conducting surveillance of the van, ICE Special agents observed a white Jeep Cherokee bearing Baja California/MX license plate AHW4521 arrive at the Wal-Mart store parking lot. Two males occupied the Jeep Cherokee, including one male later identified as Jesus GOMEZ-Osorio. The Jeep Cherokee drove around the parking lot before parking next to the Toyota Previa. GOMEZ-Osorio and the other male in the Jeep Cherokee took a long look at the Toyota Previa and then continued to drive around the lot. Eventually, both individuals exited the Jeep Cherokee and entered the Wal-Mart store.

ICE Special Agents then observed ZAZUETA-Perez, while standing in the front of the Wal-Mart store entrance, hand GOMEZ-Osorio a set of keys. After receiving the set of keys, GOMEZ-Osorio immediately walked over to the Toyota Previa and opened the driver side door. At that time, ICE Special Agents Christian Alva and Julia Gerard approached the Toyota Previa in their service vehicles. Special Agent Alva approached the front of the Toyota Previa while Special Agent Gerard approached the rear of the Toyota Previa.

Special Agent Alva exited his vehicle and immediately identified himself to GOMEZ-Osorio by yelling, "Police!" Additionally, Special Agent Alva was wearing a service issued vest with "POLICE" and "ICE" written on the front and back of the vest. Special Agent Alva instructed GOMEZ-Osorio to stop. At this time, GOMEZ-Osorio was already in the driver's seat of the Toyota Previa. GOMEZ-Osorio made eye contact with Special Agent Alva and started to drive the Toyota Previa towards Special Agent Alva. Special Agent Alva jumped to his right as GOMEZ-Osorio swerved the Toyota Previa to the left, just avoiding contact with Special Agent Alva and his service vehicle.

While attempting to apprehend GOMEZ-Osorio, ICE Special Agent Lidovico Bidoglio's service vehicle and the van driven by GOMEZ-Osorio made contact with each other. The vehicles came to a stop in the northbound traffic lane on Dennery road. GOMEZ-Osorio was then taken into custody by ICE Special Agents and arrested. GOMEZ-Osorio sustained injuries during his attempt to flee. Emergency medical services personnel transported GOMEZ-Osorio to Scripps Mercy Trauma Hospital where GOMEZ-Osorio was admitted and treated on 02/13/2008. GOMEZ-Osorio was released from Scripps Mercy Trauma Hospital on 02/14/2008 at approximately 2030 hours.

CBPO Armin Dasmarinas reported that on February 13, 2008, at approximately 1645 hours, he performed a seven-point inspection on the Toyota Previa van, bearing BA/MX license plate BDZ8338, and discovered a total of 36 cellophane wrapped packages concealed within the rear quarter panels, front bumper, vehicle floor, left side interior panel, and fuel tank. CBPO Dasmarinas reported that a field test on the contents of a randomly selected package tested positive for the presence of marijuana. CBPO Armin Dasmarinas reported that the total weight of the marijuana seized was 50.90 kilograms/111.98 pounds.

On February 13, 2008, ZAZUETA-Perez was advised of her Miranda rights in the Spanish language. ZAZUETA-Perez verbally acknowledged her understanding of those rights and voluntarily waived her Miranda rights. ZAZUETA-Perez stated that she knowingly smuggled narcotics into the United States from Mexico. ZAZUETA-Perez stated that she had agreed to smuggle narcotics into the United States for a payment of $2000.00 U.S. dollars. In addition, ZAZUETA-Perez informed ICE Special agents that the keys to the blue van containing the narcotics had been turned over to JESUS LNU while she stood in front of the Wal-Mart store on Dennery Road in San Diego, CA.

On February 14, 2008, Jesus GOMEZ-Osorio (aka JESUS LNU) was advised of his Miranda rights in the Spanish language. GOMEZ-Osorio acknowledged his understanding of his rights and voluntarily waived his Miranda rights. GOMEZ-Osorio stated that he received from Maria LNU (aka Maria ZAZUETA-Perez) a key to a blue van that he knew to contain illegal narcotics. GOMEZ-Osorio further stated that he was on his cell phone receiving instructions, from an unknown individual, as to where to deliver the van. Although GOMEZ-Osorio denied receiving any payment for delivering the van, GOMEZ-Osorio was in possession of $669.00 U.S. dollars at the time of his arrest.